

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Firoiu et al.

Serial No.: 09/579,169

Date Filed: May 25, 2000

Title: METHOD AND APPARATUS  
FOR QUEUE MODELING



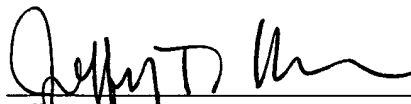
Attorney Docket: 2204/196

Examiner: None yet assigned

Art Unit: None yet assigned

CERTIFICATE OF MAILING

I hereby certify that this document, along with any other papers referred to as being attached or enclosed, is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on November 15, 2000.

  
Jeffrey T. Klayman

Commissioner for Patents  
Washington, D.C. 20231

PETITION UNDER RULE 1.47(a)

Dear Sir:

This Petition is made pursuant to Rule 1.47(a) to permit co-inventor Victor Firoiu to make this application for patent on behalf himself and co-inventor Marty Borden, who cannot be reached after diligent effort. Mr. Borden's last known address is 30 Shaker Lane, Littleton, MA 01460.

Enclosed herewith is:

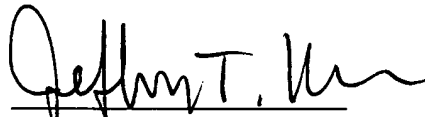
- (a) Combined Declaration and Power of Attorney executed by co-inventor Victor Firoiu, for himself and on behalf of Marty Borden;
- (b) Declaration of Jeffrey Klayman in Support of Petition under Rule 1.47(a) establishing a bona fide attempt to obtain Mr. Borden's signature;

- (c) Declaration of Steven Saunders in Support of Petition under Rule 1.47(a) establishing a bona fide attempt to obtain Mr. Borden's signature;
- (d) A copy of letter of June 30, 2000 enclosing the "Combined Declaration and Power of Attorney" for execution by Mr. Borden;
- (e) A copy of the reminder letter of September 12, 2000 enclosing the "Combined Declaration and Power of Attorney" for execution by Mr. Borden;
- (f) A copy of the electronic mail message of September 22, 2000 that was sent to Mr. Borden;
- (g) A copy of the follow-up letter of October 17, 2000 enclosing a copy of the application as filed and the "Combined Declaration and Power of Attorney" for execution by Mr. Borden;
- (h) A copy of the certified mail receipt evincing the mailing of the follow-up letter of October 17, 2000 by certified mail, return receipt requested;
- (i) A copy of the return receipt evincing receipt of the follow-up letter on October 18, 2000; and
- (j) The fee as required under 37 CFR 1.17(i).

Please refer to the Declaration of Jeffrey Klayman in Support of Petition under Rule 1.47(a) for a full listing of efforts to obtain Mr. Borden's signature on the "Combined Declaration and Power of Attorney" for the subject patent application.

A check in the amount of \$4,384.00 is enclosed for payment of the filing fee (including excess claims fees), the missing parts fee, the Rule 47(a) petition fee, and the fee for a one month extension of time. If there are any fee deficiencies in connection with this Petition, please charge them to Deposit Account No. 19-4972.

Respectfully submitted:

A handwritten signature in black ink, appearing to read "Jeffrey T. Klayman", written over a horizontal line.

Jeffrey T. Klayman  
Reg. No. 39,250  
(617) 443-9292

132508

46

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Attorney Docket: 2204/196

Examiner: None yet assigned

Art Unit: None yet assigned

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DECLARATION OF STEVEN SAUNDERS  
IN SUPPORT OF PETITION UNDER RULE 1.47(a)

I, Steven Saunders, hereby declare that:

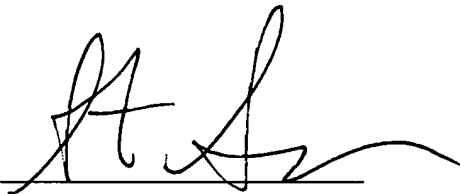
1. I am a registered patent attorney, and have been involved in the prosecution of the subject U.S. patent application (hereinafter "the application").

2. To the best of my knowledge, the inventor, Marty Borden, no longer works for Nortel Networks Limited (the assignee of the application), and has not informed either Nortel Networks Limited or co-inventor Victor Firoiu of his new employer.

3. On June 30, 2000, I sent a "Combined Declaration and Power of Attorney" to Mr. Borden at his last known home address of 30 Shaker Lane, Littleton, MA 01460, pursuant to instructions from Nortel Networks Limited to send correspondence to the inventor's home address. A copy of this follow-up letter is attached.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that the statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated: 11/15/00

  
\_\_\_\_\_  
Steven Saunders  
Reg. No. 36,265

[132506]

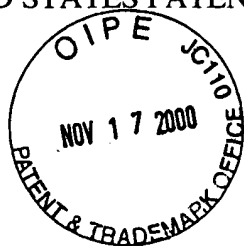
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Attorney Docket: 2204/196

Examiner: None yet assigned

Art Unit: None yet assigned

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DECLARATION OF JEFFREY KLAYMAN  
IN SUPPORT OF PETITION UNDER RULE 1.47(a)

I, Jeffrey Klayman, hereby declare that:

1. I am a registered patent attorney, and am currently responsible for the continued prosecution of the subject U.S. patent application (hereinafter "the application").
2. To the best of my knowledge, the inventor, Marty Borden, no longer works for Nortel Networks Limited (assignee of the application), and has not informed either Nortel Networks Limited or co-inventor Victor Firoiu of his new employer.
3. According to my records, a "Combined Declaration and Power of Attorney" (hereinafter "declaration") was mailed to Mr. Borden on June 30, 2000 at his last known home address of 30 Shaker Lane, Littleton, MA 01460, pursuant to instructions from Nortel Networks Limited to send correspondence to the inventor's home address. This letter was sent by another patent attorney who has been involved in the prosecution of the application, Steven Saunders (please see the attached Declaration of Steven Saunders). A copy of this letter is attached.

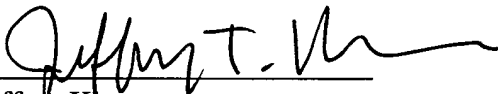
4. As of September 12, 2000, Mr. Borden had not returned the executed declaration.
5. According to my records, a reminder letter including an executable copy of the declaration was mailed to Mr. Borden on September 12, 2000 at his above-mentioned home address. A copy of this reminder letter is attached.
6. As of September 22, 2000, Mr. Borden had still not returned the executed declaration.
7. On September 22, 2000, I obtained an electronic mail address for Mr. Borden from Mr. Firoiu, and sent an electronic mail message to Mr. Borden requesting that he contact me regarding, among other things, executing the declaration for the subject application. A copy of the electronic mail message is attached.
8. By October 4, 2000, Mr. Borden had still not returned the executed declaration. Nor had Mr. Borden contacted me in response to my electronic mail message.
9. On October 4, 2000, I obtained a home phone number for Mr. Borden and left a voice mail message on his answering machine requesting that he contact me regarding, among other things, executing the declaration for the subject application.
10. By October 17, 2000, Mr. Borden had still not returned the executed declaration. Nor had Mr. Borden contacted me in response to my voice mail message.
11. On October 17, 2000, I sent a follow-up letter including, among other things, a copy of the application and an executable copy of the declaration to Mr. Borden at his last known home address of 30 Shaker Lane, Littleton, MA 01460 via certified mail, return receipt requested. A copy of the follow-up letter and a copy of the certified mail receipt evincing the mailing of the follow-up letter on October 17, 2000 are attached.

12. I received a return receipt evincing receipt of the follow-up letter on October 18, 2000. A copy of the return receipt is attached.

13. By November 15, 2000, Mr. Borden had still not returned the executed declaration. Nor had Mr. Borden contacted me in response to my follow-up letter.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that the statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated: 11/15/00

  
\_\_\_\_\_  
Jeffrey Klayman  
Reg. No. 39,250

[132503]



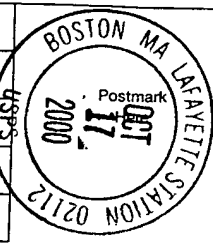


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**U.S. Postal Service**  
**CERTIFIED MAIL RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)

JTK 2204/196

Postage	\$ 2.75
Certified Fee	1.40
Return Receipt Fee (Endorsement Required)	1.25
Restricted Delivery Fee (Endorsement Required)	
<b>Total Postage &amp; Fees</b>	<b>\$ 5.40</b>



Recipient's Name (Please Print Clearly) (to be completed by mailer)  
Marty Borden  
Street, Apt. No., or PO Box No.  
50 Shaker Lane  
City, State, ZIP+4  
Littleton, MA 01460

2204/196

SE. JER: COMPLETE THIS SECTION

■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.  
Print your name and address on the reverse so that we can return the card to you.  
Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Marty Borden  
30 Shaker Lane  
Littleton, MA 01460

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

B. Date of Delivery

C. Signature

X

*[Signature]*

☐ Agent  
☐ Addressee

D. Is delivery address different from item 1?  
If YES, enter delivery address below:

☐ Yes  
☐ No

3. Service Type

☒ Certified Mail ☐ Express Mail  
☐ Registered ☐ Return Receipt for Merchandise  
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery (Extra Fee)

☐ Yes

2. Article Number (Copy from service label)  
70000600002452551058

PS Form 3811, July 1999

Domestic Return Receipt

102585-00-M-0952

